

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

ISAAC EDWARD ALLEN,

Plaintiff,

vs.

JOHN JORDAN, et al.,

Defendants.

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Case No. 1:08-CV-90 -LMB

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis [Doc. #2]. Plaintiff, a prisoner, has filed at least three previous cases that were dismissed as frivolous, malicious, or for failure to state a claim.¹ Under 28 U.S.C. § 1915(g), therefore, the Court may not grant the motion unless plaintiff "is under imminent danger of serious physical injury."

After reviewing the complaint, the Court finds no allegations that would show that plaintiff is in imminent danger of serious physical injury. As a result, the Court will deny the motion and will dismiss this action without prejudice to refile as a fully paid complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **DENIED**.

¹ See Allen v. Bob Barker Company, Inc., No. 4:97-CV-1682 DDN (E.D. Mo.) (noting that the Court had previously dismissed three or more of plaintiff's cases as frivolous or for failure to state a claim, to wit: Allen v. Moore, No. 4:92-CV-2151-SNL (E.D. Mo.); Allen v. Moore, No. 4:92-CV-2152-JCH (E.D. Mo.); Allen v. Mitchell, No. 4:92-CV-2336-DJS (E.D. Mo.); Allen v. Tidwell, No. 4:96-CV-2289-SNL (E.D. Mo.); Allen v. Bob Barker Company, Inc., No. 4:97-CV-976-DDN (E.D. Mo.); Allen v. Hayes, No. 4:97-CV-970-GFG (E.D. Mo.)). See also Allen v. Lynxwiler, No. 1:07-CV-139 CDP (E.D. Mo.).

IT IS FURTHER ORDERED that this action is **DISMISSED**, without prejudice, pursuant to 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that plaintiff's motion for temporary restraining order [Doc. #4] is **DENIED** as moot.

An Order of Dismissal shall accompany this Memorandum and Order.

Dated this 7th day of July, 2008.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE